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10-9-2009
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UNITED NATIONS
NATIONS UNIES

**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

OR: ENG

OFFICE OF THE PRESIDENT

Before: Dennis C. M. Byron,
President of the Tribunal

Registrar: Adama Dieng

Date: 10 September 2009

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JUDICIAL RECORDS/ARCHIVES
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THE PROSECUTOR

v.

Joseph NZIRORERA
Case No. ICTR-98-44-T

PROPRIO MOTU ORDER ON JOSEPH NZIRORERA'S HEALTH
Rule 64 of the Rules of Procedure and Evidence

Office of the Prosecution:

Don Webster
Saidou N'Dow
Arif Virani
Sunkarie Ballah-Conteh
Eric Husketh
Takeh Sendze

Defence Counsel for Joseph Nzirorera

Peter Robinson and Patrick Nimy Mayidika Ngimbi

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INTRODUCTION

1. On 31 August 2009, the President of the Tribunal received a copy of a letter from Joseph Nzirorera's family to his Lead Counsel expressing their concerns about the Accused's health. Mr. Robinson forwarded the correspondence to the Court Management Section of the Tribunal for circulation to the appropriate authorities.¹

DELIBERATION

2. Rule 64 of the Rules provides as follows:

Upon his transfer to the Tribunal, the accused shall be detained in facilities provided by the host country or by another country. The President may, on the application of a party, request modification of the conditions of detention of an accused.

3. The correspondence of Joseph Nzirorera's family raises concerns about his health. In particular, his family is raising questions regarding the treatment Nzirorera is receiving, his diet and the possible need to transfer him to an appropriate medical facility. Joseph Nzirorera's family indicates that they are ready to pay for all medical expenses connected to his transfer and his treatment.

4. As the issues raised in the correspondence touch upon matters that might have an influence on the Accused's conditions of detention, the President of the Tribunal considers that an inquiry should be made by the Registry on those issues as soon as possible.

FOR THOSE REASONS, THE PRESIDENT

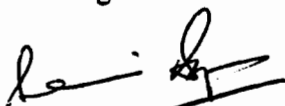
I. **REQUESTS** the Registry to inquire about the following issues and to report to the President within seven (7) days of this Decision:

- (i) whether Joseph Nzirorera is receiving a medical treatment at the moment; if so, whether he is responsive to it;
- (ii) whether he would get a more appropriate treatment in a medical facility other than in Arusha;
- (iii) whether Joseph Nzirorera's current diet is adapted to his health;

¹ Correspondence from family members of Joseph Nzirorera to Peter Robinson, dated 31 August 2009.

- (iv) whether Joseph Nzirorera is fit to participate in his trial; and
- (v) whether, in the view of the Registry, Joseph Nzirorera's current conditions of detention are suitable with his health condition and, if not, what measures should be taken.
- II. **REQUESTS** the Registry to file this decision *ex parte*.

Arusha, 10 September 2009, done in English.



Dennis C. M. Byron
President

[Seal of the Tribunal]

